

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Michael Elliott, being duly sworn state the following:

1. I am a Deportation Officer for U. S. Immigration & Customs Enforcement (“ICE”) and am currently assigned to the Richmond Sub-Office of the Washington Field Office. I have been employed by the Agency since September 3, 2019. My duties as a Deportation Officer involve enforcement of the Immigration and Nationality Act, particularly the location and apprehension of criminal aliens for prosecution and removal.

2. This affidavit is in support of a criminal complaint charging WUENDER SANTOS GONZALES with Reentry After Deportation, in violation of 8 U.S.C. §§ 1326(a), (b)(1). As described herein, Wuender SANTOS GONZALES is a citizen of Honduras, is an alien who was previously removed from the United States subsequent to a felony conviction, reentered the United States, and was found in the Eastern District of Virginia without having first obtained the express consent of the Attorney General or, his successor, the Secretary of Homeland Security.

3. The facts and information contained in this affidavit are based on my personal knowledge and observations, information conveyed to me by other law enforcement officials, and my review of records, documents, and other physical evidence obtained during the course of this investigation, to include ICE’s files and computer records. This affidavit contains information necessary to support probable cause but is not intended to include each and every fact and matter observed by me or known to the government.

4. Wuender SANTOS GONZALES was born May 29, 1986, in Honduras, and at all times is a citizen of Honduras.

5. On an unknown date at an unknown location, SANTOS GONZALES illegally entered the United States without admission, inspection, or parole.

6. On or about June 10, 2005, the Texas Department of Public Safety in Beeville, Texas, encountered SANTOS GONZALES during a traffic stop. The Texas Department of Public Safety turned SANTOS GONZALES over to the United States Border Patrol (USBP), and USBP transported SANTOS GONZALES to the nearest duty station for processing.

7. On or about June 11, 2005, USBP issued SANTOS GONZALES a Notice to Appear, Form I-862, and released him on an Order of Release on Recognizance.

8. On December 15, 2005, an immigration judge in Annandale, VA, issued a failure to prosecute decision due to SANTOS GONZALES' Notice to Appear never being served on the immigration court.

9. On or about July 28, 2011, the Fairfax Police Department in Fairfax, VA, arrested SANTOS GONZALES for Felony Forging Public Records in violation of VA Code 18.2-168. An Immigration Detainer, Form I-247, was lodged. On or about October 21, 2011, SANTOS GONZALES was convicted in the Fairfax County Circuit Court in Fairfax, VA for the offense of Forgery Public Records in violation of VA Code 18.2-168 for which he was sentenced to 2 years (2 years suspended).

10. On or about October 25, 2011, SANTOS GONZALES entered ICE custody. At that time, ICE issued SANTOS GONZALES a Notice of Intent to Issue a Final Administrative Order, Form I-851.

11. On or about December 8, 2011, SANTOS GONZALES was served in person the Notice of Intent to Issue a Final Administrative Order, Form I-851. SANTOS GONZALES chose not to contest and/or request withholding of removal.

12. On or about January 9, 2012, SANTOS GONZALES was served in person a Final Administrative Removal Order, Form I-851A ordering him removed from the United States to Honduras.

13. On or about January 13, 2012, SANTOS GONZALES was removed to Honduras from the United States and was served with a Warning to Alien Ordered Removed or Deported, Form I-294.

14. On an unknown date after January 13, 2012, at an unknown location, SANTOS GONZALES illegally re-entered the United States without admission, inspection, or parole, and without the express consent of the Attorney General or his successor, the Secretary of Homeland Security.

15. On or about May 18, 2013, SANTOS GONZALES was encountered by USBP agents near Carrizo Spring, TX. USBP agents issued SANTOS GONZALES a Notice of Intent/Decision to Reinstate a Prior Order of Removal, Form I-871.

16. On or about December 18, 2013, SANTOS GONZALES was convicted in the United States District Court for the Western District of Texas – Del Rio Division of a violation of 8 U.S.C. § 1326(a), Illegal Reentry of Alien. SANTOS GONZALES was sentenced to 10 months' imprisonment.

17. A conviction under 8 U.S.C. § 1326(a) is a felony conviction.

18. On or about March 17, 2014, SANTOS GONZALES was taken into ICE custody after he was released from the Federal Bureau of Prisons.

19. On or about August 11, 2014, SANTOS GONZALES was removed to Honduras from the United States and was served with a Warning to Alien Ordered Removed or Deported, Form I-294.

20. On an unknown date after August 11, 2014, at an unknown location, SANTOS GONZALES illegally re-entered the United States without admission, inspection, or parole and without the express consent of the Attorney General or his successor, the Secretary of Homeland Security.

21. On or about June 22, 2016, SANTOS GONZALES was encountered by USBP agents near Amado, AZ. SANTOS GONZALES was taken into custody and served a Notice of Intent/Decision to Reinstate Prior Removal Order, Form I-871.

22. On or about April 18, 2017, SANTOS GONZALES was convicted in the United States District Court for the District of Arizona – Tucson Division of a violation of 8 U.S.C. § 1326(a), (b)(2), Illegal Reentry of Alien after Felony Conviction. SANTOS GONZALES was sentenced to 16 months imprisonment.

23. On or about March 19, 2018, SANTOS GONZALES entered ICE custody after serving his sentence.

24. On or about April 25, 2018, SANTOS GONZALES was removed to Honduras from the United States and was served with a Warning to Alien Ordered Removed or Deported, Form I-294.

25. On an unknown date after April 25, 2018, at an unknown location, SANTOS GONZALES illegally re-entered the United States without admission, inspection, or parole and without the express consent of the Attorney General or his successor, the Secretary of Homeland Security.

26. On February 28, 2025, ICE ERO Richmond received information that SANTOS GONZALES was in the Richmond, Virginia area. On March 8, 2025, SANTOS GONZALES'

presence was confirmed while conducting surveillance at his last known address in Richmond, VA. He was observed leaving his apartment and entering his registered vehicle.


**CONCLUSION**

27. Based on the information detailed above, I respectfully submit there is probable cause to charge WUENDER SANTOS GONZALES with Illegal Reentry after Felony Conviction, in violation of 8 U.S.C. §§ 1326(a), (b)(1).

Respectfully Submitted,

  
\_\_\_\_\_  
Michael Elliott  
Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN before me this 11th day of April, 2025.

  
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/s/ \_\_\_\_\_  
Honorable Summer L. Speight  
United States Magistrate Judge